



**5 Essex Court
2019 Pupillage
Selection Report**

Since 2012, 5 Essex Court has published a detailed report on its process for selecting pupils. Each year, the report covers the whole process from applications to final interviews. It offers an insight into our Pupillage Committee's deliberations and contains information on the questions we ask and the answers that impress us. The report provides, we hope, a useful guide for anyone seeking pupillage, whether at 5 Essex Court or elsewhere.

*For ongoing useful tips and updates, follow us on Twitter **@pupillages** and our Instagram account **@5essexcourt_pupillages** which aims to capture a slice of life at the Bar and give students and future barristers a unique insight into our working lives.*

Good luck with all your applications.

5 Essex Court 2019 pupillage application round

Preparation for application round

1. We have, for many years, made it clear in our recruitment literature that we particularly encourage applications from black and minority ethnic candidates, and from those with non-traditional backgrounds – including, in particular, those from backgrounds that are underrepresented at the Bar.
2. To that end, we continue to take part in a number of initiatives with the aim of dispelling some of the myths about the Bar, and about the pupillage process. This has included members of the pupillage committee, and junior tenants and pupils, taking part in a large number of talks and presentations to students and potential pupils. We have continued to use our twitter account (@pupillages) to continue to try and provide tips and useful information concerning pupillage applications and to try and encourage applications from groups that are not well represented at the Bar generally, or in our practice areas or in Chambers particularly. We have also continued to use our Instagram account which was set up last year – @5essexcourt_pupillages.
3. This year, Beatrice Collier and Georgina Wolfe recorded “The Pupillage Podcast” in association with Middle Temple. Guests who took part included the current Lord Chief Justice, Lord Burnett, and his immediate predecessor Lord Judge, the Secret Barrister and a range of others from senior judges to junior tenants. They all provided invaluable advice for those applying for pupillage. The podcast was extremely well received and the second season is currently underway.
4. We have attended various pupillage fairs and events throughout the year including the Urban Lawyers Career Conference. Georgina Wolfe spoke at the Women in Law Summit and a screening of “RBG” about the inspirational US Supreme Court Justice Ruth Bader Ginsburg.
5. We are particularly proud of our gender balance at every level of chambers. We now (and we think this is unique at the Bar) have more female than male QCs, for the second time in recent years. We are also in the top 10 of Legal Cheek’s list of Chambers with the highest proportion of female juniors. We seek to highlight the diversity in chambers because research shows that it is a powerful factor in the decisions of many highly talented students from groups who are under-represented at the Bar to apply to us.
6. We continue to be committed to moving towards a demographic within Chambers that is more representative of the wider community, primarily by recruitment at the pupillage stage.
7. We were delighted, in the course of the year, once again to be nominated for a range of awards for our recruitment processes, and the training we provide to pupils.

8. Last year we substantially increased our pupillage award, so it is now well within the top quartile for the common law and public law Bar. It includes a guaranteed minimum earnings component which, in the last 10 years, pupils have consistently exceeded. We do not use the pupillage award as a prominent component of our marketing: we want applicants to apply to us because they want to work in the areas in which we practise and because they will be happy, motivated and fulfilled at 5 Essex, rather than because of the amount of the award. We are, however, very conscious of the amount of debt that many applicants have accumulated, and the costs of living in, or close to, London. We were also concerned that those without independent financial support or means might struggle to service existing debt whilst also managing continuing living expenditure, without an increase in the pupillage award.
9. Although we do not fund mini-pupillages, we have also started assisting with travel expenses for those who make applications and for whom the cost might otherwise be prohibitive.
10. As we have done each year, we changed the composition of the recruitment panel by co-opting new members of Chambers to the panel to assist in this year's selection round and to ensure that applications were considered by a cross-section of Chambers with a good mix of those who had experience of previous rounds, and those who brought fresh ideas and perspectives.
11. All members of the Pupillage Committee have attended the Bar Council's training in fair selection. All those involved in recruitment (including those co-opted to the Committee) have undergone Equality and Diversity training and have either undergone training or studied the Bar Council's Fair Recruitment Guide (http://www.barcouncil.org.uk/media/165213/recruitment_guidev22_18sept_merged_readonly.pdf).
12. We have also taken part in a number of consultation exercises, including the Bar Standards Board's consultation in relation to fees. We were particularly concerned at the apparent proposal to remove formal training in professional ethics from the compulsory components of the Bar Professional Training Course, and we are pleased that this has not, thus far, been implemented.

Selection for first interview: the "paper sift"

13. There was a significant increase in the number of applications we received this year compared to last year (albeit last year had seen a slight dip compared to previous years).
14. We did not consider any applications until after the expiry of the deadline for applications. In the event, the deadline was extended after its initial expiry, and we therefore did not consider any applications until the expiry of the renewed deadline (to allow for the possibility that applicants may have used the time to amend or augment their applications).

15. Once the final deadline had expired we anonymised and printed off all application forms. This year, for the first time, we removed details of the university that the applicant had attended before the form was marked. There was a difference of view on the Committee about this, but ultimately the majority view was that any possible benefit in knowing the university attended is outweighed by complex factors that underlie university choices, the relatively narrow demographics at Oxbridge and some Russell Group universities, the complexity of comparing degree results from different universities and the fact that academic achievement is just one factor in the selection process. In the event, the automatic anonymisation process was only partially successful – although the name of the university was removed from one section of the form, it was often obvious from other parts of the form which university the applicant had attended. We did not, however, attach weight to the university attended, and part of the fair recruitment training involves addressing unconscious biases.
16. One member of the Committee selected a number of applications to be considered by the whole Committee at a meeting to discuss the detail of the paper-sift and to ensure consistency. The applications were selected with the aim of securing a broad range, but with a particular focus on applications which were likely to be at the margins of those who would be selected for first interview (distinguishing between these is the most important, and most difficult, aspect of the paper sift).
17. All members of the Committee independently considered these applications with reference to our published selection criteria.
18. We then held a lengthy meeting to discuss the approach to each of our selection criteria and their application to the “consistency” candidates.
19. Following the “consistency” meeting all applications (including the selection that had already been considered) were assessed by reference to our four published criteria. These are academic ability, experience, presentation and other factors. We did not allocate an overall score to each candidate. Instead, we gave box markings – consistent with the approach recommended by the Bar Council – for different factors that were designed to measure each of the four criteria.
20. Applicants were selected for first round interview according to the box markings.
21. Academic ability: The primary assessment was made on the basis of degree results. However, we also took account of A level and post-graduate qualifications, together with any other evidence of academic ability that could be gleaned from the totality of the form. We did not generally attach significance to whether the applicant had studied law as an undergraduate (save that we generally require at least a commendation on the GDL to demonstrate sufficient legal academic ability). Very limited weight was given to GCSE results.

22. We do not automatically reject candidates with a 2:2 degree. However, in the absence of very compelling alternative evidence of academic ability (eg results in post-graduate examinations, or a successful career since University which demonstrates academic ability) it is unlikely that an applicant with a 2:2 will secure an interview. This year, as in the last 5 years, all those selected for interview had gained a 2:1 or first in their degree(s) (and they were evenly divided between 2:1s and firsts). There was a broad mix of law and non-law degrees.
23. Academic ability is just one of four criteria and is not sufficient to secure an interview. As in previous years there were applicants with an exceptional academic record (including very high marks in post-graduate legal studies) who were not selected because they did not satisfy other criteria (eg they had insufficient advocacy experience, or their form was not sufficiently well presented).
24. Experience: We took account of all experience which demonstrated the skills needed to succeed at the Bar, but we particularly looked for evidence of an interest in, and experience of, advocacy. The highest box markings were given to those who had extensive mooting and/or debating experience and success (with success in national and international competition naturally attracting higher gradings than an individual University moot) and who had engaged in oral advocacy in real life cases (eg for FRU). Conversely, those who said that they had “organised” moots or had been “FRU trained” without providing any evidence of actually undertaking advocacy did not score highly under this criterion. That said, it was not helpful when candidates listed mooting under “interests or non-work related”. We felt mooting should appear more naturally elsewhere on the form (indeed we asked a specific question about it) and under the interests section we hoped to see candidates show some evidence of their personality away from law.
25. Presentation: We work on the basis that the application form is itself a strong indicator of an applicant’s work, demonstrating the care and attention that has been applied and the applicant’s skills at using language. The vast majority of applications had at least one mistake. Many contained several errors, from sentences that simply did not make sense, to mis-spellings of chambers’ and/or barristers’ names, to incorrect use of language. As in previous years, misspellings of “practice” and “practise” appeared in around 30% of applications. This was particularly unimpressive where the applicant had stressed their thoroughness or “eye for detail” or where they appeared in the section about why they had applied to 5 Essex Court and were interested in our practice areas. A number of forms were written in a chatty style, for example they contained lots of abbreviations, and mis-judged humour, that were not really appropriate in a piece of formal writing. This year all applications were written in prose¹. Applications which were unnecessarily wordy were marked down. The best applications – as with the best written advocacy – were clearly and succinctly written in engaging and persuasive language.

¹ Cf <https://www.legalcheek.com/2018/11/5-essex-court-receives-rhyming-pupillage-application/>

26. We were struck by some candidates' poor use of grammar and punctuation. Colons and semi-colons can be effectively deployed to strengthen your prose but, if misused, they jar and undermine the hard work that has gone into the application. Even full-stops and commas need to be used with care – some candidates did not appear to appreciate the difference between them. For anyone with any doubt about punctuation, we recommend Lynne Truss's "Eats, Shoots and Leaves" for a funny and easy-to-read masterclass.
27. Other factors: We were looking for evidence, anywhere in the application form, and in any context, which (aside from the other categories set out above) demonstrated that the applicants had the skills and potential necessary to secure a tenancy at 5 Essex Court. We assessed whether applicants really understood the areas of Chambers' practice and whether they really were interested in and committed to working in those areas. The principal focus was on the answer to the last question on the form – i.e. why the applicant was applying to 5 Essex Court. Those who made generic reference to human rights or public law or police law, or who simply block copied information from our website or legal directories without more, did not score particularly highly. The most successful applicants identified, by reference to their experience or academic studies, why they wished to practise in specific areas and why they were applying to 5 Essex Court in particular. We also compared the content of the rest of their application. Applicants who expressed a burning desire to practise human rights law, but who had only undertaken mini-pupillages in, for example, criminal sets, did not score highly.
28. We consider mini-pupillages to be an important part of an applicant's experience. Through mini-pupillages, applicants can see what life at the Bar, different practice areas, and individual chambers are really like. Candidates who have undertaken mini-pupillages can make better-informed choices about the chambers to which they apply and can usually demonstrate good reasons for selecting their practice areas. Those who had undertaken mini-pupillages in sets that do similar areas of work to us (and/or had other evidence of their interest in this type of work), and who demonstrated (by what they drew out from that experience) a real understanding and aptitude for Chambers' areas of work, were more successful. We were less impressed by candidates who simply listed off names of members of chambers they had shadowed and courts they had attended; we were much more interested in and impressed by those who were able to describe and analyse what they experienced and learnt during their mini-pupillages.
29. Weight was given to other factors which demonstrated the applicant's potential as a pupil and, in due course, a member of Chambers. These included, for example, sporting or musical achievements which demonstrated the skills required for success at the Bar (e.g. determination, ability to perform under pressure, discipline, good time-management skills), or an understanding of the ethos and atmosphere of 5 Essex Court.
30. The paper sift exercise is, by a very long way, the most competitive stage of the process. We are acutely conscious that we are rejecting potentially very able candidates without giving them an opportunity of an interview. Our experience

is that candidates who are often borderline on paper perform exceptionally well in interview (and vice versa). Following the sift we considered, more broadly, some themes that have emerged over the years from the paper sift exercise. These were as follows:

31. Mature Students: We had many applicants this year with extremely impressive first careers. We always welcome mature students – the professional and life experience gained can be invaluable in pupillage and beyond. No matter how dazzling the success achieved in a first career, it is, however, essential to demonstrate that you will also be a talented advocate, that your commitment to the law is genuine and that you are making an informed choice. We are looking for someone who will be a talented barrister and not, for example, a talented brain surgeon (no matter how good a brain surgeon they might be). Impressive credentials from an earlier career, without mini-pupillages, mooting, pro bono or other legal work experience will not be sufficient to achieve an interview.
32. Where a candidate's career trajectory has changed significantly – whether from academia or the solicitors' profession to the Bar or from another career altogether – we look for an explanation for this change of heart. Pupillage is a significant investment for chambers; we are looking to recruit pupils for the long-term so we want to understand that they are committed to this career and to see why they believe they will be fulfilled practising at the Bar. We are not looking for pupils who see pupillage as a stepping stone to doing something else or who are likely to change their minds in the short-term.
33. "Less" mature students: We are conscious that it can be more challenging for those at the start of their legal career (for instance, students on the GDL who will have had only a few months of legal experience or law undergraduates who do not yet have a final degree mark) to demonstrate legal ability. We encourage those in that category to disclose their marks to date or, where grades have been predicted, to disclose by whom they have been predicted and how. It is very difficult to be confident that a student who cannot demonstrate any legal academic credentials has a talent for the law: if there is evidence you can provide to assist us, please do give it.
34. Chambers' specific questions: Before this year's change to the Pupillage Gateway questionnaire, it was common to see candidates confusing the answers to "why do you want to be a barrister" with "why do you believe you will be a good barrister". These were very different questions. The questions now ask "Why do you believe you will make a good barrister? In your answer, please identify any relevant experiences or skills that you believe may help you in your career" and "Why do you want to join our chambers? In your answer, please give reasons for your choice of chambers and explain why you are interested in our areas of practice". Despite this change and the greater specificity in the questions, many candidates still use the "why our chambers" question to talk about their own achievements.
35. By this point on the form, candidates should have had ample opportunity to set out these achievements elsewhere and, in the preceding answer, a chance to highlight some key accomplishments. The "why our chambers" question is

designed to give candidates the chance to talk about their preferred areas of practice and to show that they have researched chambers and really want to join us. We were not impressed by the clichéd “You are the leading set in x, y, z” or by those who simply said, “I am applying to your chambers because you do the areas I want to practise”. Those who impressed explained why they were drawn to an area of practice and then showed that they understood the nature of the work and the ethos of chambers. This information is all readily available online for those who have not had an opportunity to speak to members of chambers at pupillage events throughout the year or during a mini-pupillage.

36. Those who have undertaken mini-pupillages with us should have an easier task answering this question but many did not mention anything that they had seen or learnt during their mini-pupillage. This was a wasted opportunity and could lead to being marked down.
37. In previous years, we have attached greater weight to candidates mentioning our police law practice. However, chambers’ practice areas have expanded and diversified so that we now have a much broader field of coverage, particularly in public law. We therefore understood that some candidates did not choose to focus on police law. That said, police law remains a mainstay of chambers’ work and we looked favourably on those candidates who recognised this. We understand that most candidates will not have any experience of police law but we do look for an understanding of what it entails and an enthusiasm to try it.
38. Mini-Pupillages: There is a section on the form for “legal work experience” which is where mini-pupillages should be described. Mini-pupillages are an essential part of legal training and are an aspect of the application to which we give a great deal of weight. They show us that the candidate is committed to the Bar, understands what life at the Bar entails and has sufficient talent to pass through the rigorous assessment process to obtain mini-pupillages. The selection of mini-pupillages described also reveals where the candidates’ true interests lie. If a candidate has done only criminal mini-pupillages for example, we will not be persuaded of their interest in civil law.
39. The strongest candidates described each mini-pupillage separately, highlighting what they had learnt and insightfully analysing their experiences in a few pithy sentences. It is not necessary for candidates to name the barristers they met on a mini-pupillage but if a candidate chooses to do so, it is essential to spell their names correctly – particularly if they are a member of our chambers. Unsuccessful candidates would often simply list their mini-pupillages without explaining what they had learnt.

First round interviews

40. Thirty candidates were selected for first round interview. The interviews took place on 12th-13th April 2019. Each interview lasted about 15 minutes. As was the case last year (when we reduced the length of first round interviews to 15 minutes) we felt it was sufficient time. The interview panel consisted of Jonathan Dixey, Saara Idelbi, Bobby Talalay and Remi Reichhold.

41. Each candidate was asked the same questions:
 - a. A general question about the content of their application form.
 - b. A legal problem question (the candidate choosing 1 question from a choice of 2). One question concerned a police pursuit of a moped rider who was not wearing a helmet, and the subsequent seizure of a mobile phone from a journalist who had recorded the incident; and one concerned discrimination in the workplace, privacy, employment and Article 6 ECHR.
 - c. A topical issue designed to show candidates' ability to argue different points of view: "should the police be entitled to stop and search members of the public without having reasonable grounds to suspect the commission of an offence". Candidates were asked to argue both sides of the debate.
 - d. A final question designed to enable candidates to tell us about their interests: "You may be aware that two members of Chambers have recently launched the Pupillage Podcast in conjunction with Middle Temple. If you were to host your own podcast, what would it be about?"
42. The first question served as an opportunity for the panel to get to know the candidate and to clarify any matters arising from their application forms. It was generally well answered. The panel were particularly pleased when candidates were able to speak with clarity and enthusiasm about details mentioned on their applications.
43. The legal problem questions were designed to test candidates' legal reasoning and ability to give a structured answer. Only three candidates attempted the employment question. Some answers were far too academic and theoretical.
44. It was not necessary to have knowledge of any specific legislation to answer the problem questions and the panel took account of the fact that some candidates were more advanced in their legal studies than others.
45. The best answers to the legal problems:
 - a. Provided a well-structured analysis of the problem with appropriate emphasis on the types of legal issue that might arise.
 - b. Identified the critical features of the facts and the issues of law that arose.
 - c. Responded appropriately when challenged on aspects of the analysis.
46. Weaker answers to the legal problems:
 - a. Lacked structure.
 - b. Required significant prompting to address legally significant aspects of the scenarios.
 - c. Were confused and did not distinguish sufficiently between different causes of action and the ingredients that would need to be established.
47. Many candidates found the question relating to stop and search challenging, particularly when asked to argue the position from both sides of the debate.

48. The podcast question was included to give candidates the opportunity to talk about a topic that interested them, enabling us to get to know them as individuals a little better in the very short time available.
49. Finally, each candidate was asked, “Do you have any questions for us or, more importantly, are there any questions which you wish we had asked you?”
50. As in previous years this question proved to be important. It gave several candidates an opportunity to update us on achievements that had arisen after they had submitted their application forms. It also allowed candidates to draw our attention to aspects of their previous experience that were especially relevant to Chambers' practice areas.
51. Of the 30 candidates that were interviewed, 11 were put through for a second round interview. The decision as to which candidates should go through to the next round was unanimous.

Second round interviews

52. The second round interviews took place on 23rd-25th April. They each lasted for about 25 minutes. The interviewing panel comprised Jeremy Johnson QC, Georgina Wolfe and Robert Cohen.
53. The field of candidates was the strongest of recent years. Each of the candidates had extremely strong written applications, and had hugely impressed the first round panel.
54. Each candidate was assessed by reference to four criteria: legal knowledge; presentation; motivation; and communication and interpersonal skills.
55. The interview comprised:
 - (1) Questions from the application form.
 - (2) An advocacy exercise (a plea in mitigation based on Julian Assange’s Bail Act offence).
 - (3) The question “Is cross-examination essential for natural justice?”
 - (4) If you could have one superpower what would it be?
56. Application form: The answers to the application form questions were all pretty flawless. We asked those who had taken a FRU case (or done some other oral advocacy in a tribunal setting) to tell us about a case they had done – the responses were impressive showing a depth of knowledge about the case in question, an ability clearly to identify and communicate the essential issues in the case, and a zeal for oral advocacy.
57. Advocacy: A couple of traps caught out many candidates. First, we included a sensitive document (an extract from a (mocked up) medical report) that had nothing to do with the case. Only one candidate gave a text book answer on how to deal with the potential GDPR breach. Second, we included in the (mocked up) instructions a direction that the solicitor had insisted on a male advocate (for male applicants; vice versa for female applicants). Three candidates picked this

up proactively. The remainder had to be prompted. Most ultimately agreed that this was direct sex discrimination and should be addressed, but most also struggled to identify how it should be addressed. Some failed to identify discrimination at all and seemed most concerned not to be seen as unhelpful by the clerks or solicitor (a valid but secondary concern).

58. All candidates had a clear structure to their plea, referenced the sentencing guidelines (which we provided) and were highly articulate and persuasive. The best candidates stuck to the most compelling pieces of mitigation, avoided those factors that were aggravating rather than mitigating features, and gave highly persuasive and imaginative (but the right side of realistic) reasons for not imposing an immediate custodial sentence. Some candidates were a little unrealistic both as to the guideline bracket and as to the ultimate sentence.
59. Is cross-examination necessary to achieve natural justice?: Almost all candidates struggled with this question. Very few defined what natural justice means and what it requires, before then identifying how cross-examination promotes natural justice and whether the same end could be achieved by other means. Almost all candidates instinctively answered “yes”, but then struggled to explain why natural justice could not be achieved without cross-examination in a public inquiry, inquest, disciplinary hearing or in a case that turned on hearsay evidence. Many candidates who answered “yes” then seemed to concede that hearings without cross-examination achieved natural justice but did not seem to recognise or seek to reconcile the inconsistency.
60. The question had been inspired by the debates in the House of Lords leading to Lord Lester’s resignation following an accusation of sexual harassment. This had been widely publicised in the media. While we anticipated that it would be the stronger candidates who were likely to reference the debates, we were surprised that very few, if any, showed any awareness of the controversy.
61. Super-power: This was a light-hearted note on which to end the interview. It did not impact on final selection decisions. Some candidates were, however, able to use the opportunity to show insights into super-powers that would be particularly useful at the Bar (stopping time immediately after a judicial question was our particular favourite).
62. Selection: We selected 2 candidates to whom we made offers of pupillage, with one reserve. Both first choice candidates accepted their offers.

JEREMY JOHNSON QC
For the Pupillage Committee
14 October 2019

Postscript

63. The Head of 5 Essex Court's Pupillage Committee, Jeremy Johnson QC, was appointed to the High Court Bench in October 2019. He has led the Committee for seven years and been instrumental in many of our initiatives for improving access to the Bar (including introducing this report and encouraging us to join Twitter long before most sets were tweeting). We have learnt so much from having him at the helm and will miss his guidance and ideas enormously. We hope that he is able to continue this work improving diversity and access to the Bar from his new position on the Bench. We look forward to continuing the work that Jeremy started.

THE PUPILLAGE COMMITTEE
14 October 2019

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